



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2399

Introduced 2/19/2009, by Rep. Angelo Saviano - Robert Rita

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Architecture Practice Act of 1989. Changes various references from the Director of Professional Regulation to the Secretary of the Department of Financial and Professional Regulation. Changes provisions concerning the regulation of certain acts in performing architecture under a contract. Deletes a provision requiring the Illinois Architecture Licensing Board to submit a written report concerning the issuance or denial of licenses. In provisions concerning the examination of an applicant for a license, provides that if an applicant fails to apply within one year, the applicant shall be required to again take and pass the examination unless the Department upon recommendation of the Board determine that there is sufficient cause for the delay that is not due to the fault of the applicant. Contains provisions for the restoration of licensure for retired architects and authorizes the use of the title "Architect, Retired". Provides that the roster of licensees and registrants shall be organized by discipline and available by discipline upon request (instead of written request) and payment of the required fee. Changes provisions concerning the required notice to the Department for the termination of a managing agent. Changes provisions concerning the refusal, suspension, and revocation of licenses by the Secretary. Changes the fine imposed for unlicensed practice from \$5,000 to \$10,000. Adds provisions concerning the administration of oaths by the Secretary. Contains provisions concerning the restoration of a revoked or suspended license. Repeals a provision concerning the issuance of a license. Effective immediately.

LRB096 08465 ASK 18584 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Architecture Practice Act of 1989  
5 is amended by changing Sections 3, 4, 5, 8, 9, 10, 12, 19, 20,  
6 21, 22, 23, 23.5, 24, 25, 26, 28, 29, 30, 31, 33, and 36 and by  
7 adding Section 17.5 as follows:

8 (225 ILCS 305/3) (from Ch. 111, par. 1303)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 3. Application of Act. Nothing in this Act shall be  
11 deemed or construed to prevent the practice of structural  
12 engineering as defined in the Structural Engineering Practice  
13 Act of 1989, the practice of professional engineering as  
14 defined in the Professional Engineering Practice Act of 1989,  
15 or the preparation of documents used to prescribe work to be  
16 done inside buildings for non-loadbearing interior  
17 construction, furnishings, fixtures and equipment, ~~or the~~  
18 ~~offering or preparation of environmental analysis, feasibility~~  
19 ~~studies, programming or construction management services by~~  
20 ~~persons other than those licensed in accordance with this Act,~~  
21 ~~the Structural Engineering Practice Act of 1989 or the~~  
22 ~~Professional Engineering Practice Act of 1989.~~

23 Nothing contained in this Act shall prevent the draftsmen,

1 students, project representatives and other employees of those  
2 lawfully practicing as licensed architects under the  
3 provisions of this Act, from acting under the responsible  
4 ~~direct supervision and~~ control of their employers, or to  
5 prevent the employment of project representatives for  
6 enlargement or alteration of buildings or any parts thereof, or  
7 prevent such project representatives from acting under the  
8 responsible ~~direct supervision and~~ control of the licensed  
9 architect by whom the construction documents including  
10 drawings and specifications of any such building, enlargement  
11 or alteration were prepared.

12 Nothing in this Act or any other Act shall prevent a  
13 licensed architect from practicing interior design services.  
14 Nothing in this Act shall be construed as requiring the  
15 services of an interior designer for the interior designing of  
16 a single family residence.

17 The involvement of a licensed architect is not required for  
18 the following:

19 (A) The building, remodeling or repairing of any  
20 building or other structure outside of the corporate limits  
21 of any city or village, where such building or structure is  
22 to be, or is used for farm purposes, or for the purposes of  
23 outbuildings or auxiliary buildings in connection with  
24 such farm premises.

25 (B) The construction, remodeling or repairing of a  
26 detached single family residence on a single lot.

1 (C) The construction, remodeling or repairing of a  
2 two-family residence of wood frame construction on a single  
3 lot, not more than two stories and basement in height.

4 (D) Interior design services for buildings which do not  
5 involve life safety or structural changes.

6 However, when an ordinance of a unit of local government  
7 requires the involvement of a licensed architect for any  
8 buildings included in the preceding paragraphs (A) through (D),  
9 the requirements of this Act shall apply. All buildings not  
10 included in the preceding paragraphs (A) through (D), including  
11 multi-family buildings and buildings previously exempt from  
12 the involvement of a licensed architect under those paragraphs  
13 but subsequently non-exempt due to a change in occupancy or  
14 use, are subject to the requirements of this Act. Interior  
15 alterations which result in life safety or structural changes  
16 of the building are subject to the requirements of this Act.

17 (Source: P.A. 92-16, eff. 6-28-01; 93-1009, eff. 1-1-05.)

18 (225 ILCS 305/4) (from Ch. 111, par. 1304)

19 (Section scheduled to be repealed on January 1, 2010)

20 Sec. 4. Definitions. In this Act:

21 "Address of record" means the designated address recorded  
22 by the Department in the applicant's or licensee's application  
23 file or license file maintained by the Department's licensure  
24 maintenance unit. It is the duty of the applicant or licensee  
25 to inform the Department of any change of address, and such

1 changes must be made either through the Department's website.

2 ~~(a)~~ "Department" means the Department of Financial and  
3 Professional Regulation.

4 ~~(b)~~ ~~"Director" means the Director of Professional~~  
5 ~~Regulation.~~

6 ~~(c)~~ "Board" means the Illinois Architecture Licensing  
7 Board appointed by the Secretary ~~Director~~.

8 ~~(d)~~ "Public health" as related to the practice of  
9 architecture means the state of the well-being of the body or  
10 mind of the building user.

11 ~~(e)~~ "Public safety" as related to the practice of  
12 architecture means the state of being reasonably free from risk  
13 of danger, damage, or injury.

14 ~~(f)~~ "Public welfare" as related to the practice of  
15 architecture means the well-being of the building user  
16 resulting from the state of a physical environment that  
17 accommodates human activity.

18 "Secretary" means the Secretary of the Department of  
19 Financial and Professional Regulation.

20 (Source: P.A. 93-1009, eff. 1-1-05.)

21 (225 ILCS 305/5) (from Ch. 111, par. 1305)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 5. Architect defined; Acts constituting practice.

24 (a) An architect is a person who is qualified by education,  
25 training, experience, and examination, and who is licensed

1 under the laws of this State, to practice architecture.

2 (b) The practice of architecture within the meaning and  
3 intent of this Act includes the offering or furnishing of  
4 professional services, such as consultation, environmental  
5 analysis, feasibility studies, programming, planning,  
6 aesthetic and structural design, technical submissions  
7 consisting of drawings and specifications and other documents  
8 required in the construction process, administration of  
9 construction contracts, project representation, and  
10 construction management, in connection with the construction  
11 of any private or public building, building structure, building  
12 project, or addition to or alteration or restoration thereof.

13 (c) Nothing contained in this Section imposes upon a person  
14 licensed under this Act the responsibility for the performance  
15 of any of the activities set forth in subsection (b) of this  
16 Section, unless such person specifically contracts to provide  
17 the function.

18 (Source: P.A. 92-360, eff. 1-1-02.)

19 (225 ILCS 305/8) (from Ch. 111, par. 1308)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 8. Powers and duties of the Department.

22 (1) Subject to the provisions of this Act, the Department  
23 shall exercise the following functions, powers, and duties:

24 (a) conduct examinations to ascertain the  
25 qualifications and fitness of applicants for licensure as

1 licensed architects, and pass upon the qualifications and  
2 fitness of applicants for licensure by endorsement;

3 (b) prescribe rules for a method of examination of  
4 candidates;

5 (c) prescribe rules defining what constitutes a  
6 school, college or university, or department of a  
7 university, or other institution, reputable and in good  
8 standing, to determine whether or not a school, college or  
9 university, or department of a university, or other  
10 institution is reputable and in good standing by reference  
11 to compliance with such rules, and to terminate the  
12 approval of such school, college or university or  
13 department of a university or other institution that  
14 refuses admittance to applicants solely on the basis of  
15 race, color, creed, sex or national origin. The Department  
16 may adopt, as its own rules relating to education  
17 requirements, those guidelines published from time to time  
18 by the National Architectural Accrediting Board;

19 (d) prescribe rules for diversified professional  
20 training;

21 (e) conduct oral interviews, disciplinary conferences  
22 and formal evidentiary hearings on proceedings to impose  
23 fines or to suspend, revoke, place on probationary status,  
24 reprimand, and refuse to issue or restore any license  
25 issued under the provisions of this Act for the reasons set  
26 forth in Section 22 of this Act;

1 (f) issue licenses to those who meet the requirements  
2 of this Act;

3 (g) formulate and publish rules necessary or  
4 appropriate to carrying out the provisions of this Act; and

5 (h) maintain membership in the National Council of  
6 Architectural Registration Boards and participate in  
7 activities of the Council by designation of individuals for  
8 the various classifications of membership and the  
9 appointment of delegates for attendance at regional and  
10 national meetings of the Council. All costs associated with  
11 membership and attendance of such delegates to any national  
12 meetings may be funded from the Design Professionals  
13 Administration and Investigation Fund.

14 ~~(2) Prior to issuance of any final decision or order that~~  
15 ~~deviates from any report or recommendation of the Board~~  
16 ~~relating to the qualification of applicants, discipline of~~  
17 ~~licensees or registrants, or promulgation of rules, the~~  
18 ~~Director shall notify the Board in writing with an explanation~~  
19 ~~of the deviation and provide a reasonable time for the Board to~~  
20 ~~submit written comments to the Director regarding the proposed~~  
21 ~~action. In the event that the Board fails or declines to submit~~  
22 ~~written comments within 30 days of the notification, the~~  
23 ~~Director may issue a final decision or order consistent with~~  
24 ~~the Director's original decision.~~ The Department may at any  
25 time seek the expert advice and knowledge of the Board on any  
26 matter relating to the enforcement of this Act.

1 (Source: P.A. 91-133, eff. 1-1-00; 92-16, eff. 6-28-01.)

2 (225 ILCS 305/9) (from Ch. 111, par. 1309)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 9. Creation of the Board. The Secretary ~~Director~~ shall  
5 appoint an Architecture Licensing Board which will consist of 6  
6 members. Five members shall be licensed architects, one of whom  
7 shall be a tenured member of the architectural faculty of the  
8 University of Illinois. The other 4 shall be licensed  
9 architects, residing in this State, who have been engaged in  
10 the practice of architecture at least 10 years. In addition to  
11 the 5 licensed architects, there shall be one public member.  
12 The public member shall be a voting member and shall not hold a  
13 license as an architect, professional engineer, structural  
14 engineer or land surveyor.

15 Board members shall serve 5 year terms and until their  
16 successors are appointed and qualified. In making the  
17 designation of persons to the Board, the Secretary ~~Director~~  
18 shall give due consideration to recommendations by members and  
19 organizations of the profession.

20 The membership of the Board should reasonably reflect  
21 representation from the geographic areas in this State.

22 No member shall be reappointed to the Board for a term  
23 which would cause his or her continuous service on the Board to  
24 be longer than 10 successive years. Service prior to the  
25 effective date of this Act shall not be considered.

1 Appointments to fill vacancies shall be made in the same  
2 manner as original appointments, for the unexpired portion of  
3 the vacated term. Initial terms shall begin upon the effective  
4 date of this Act and Board members in office on that date under  
5 the predecessor Act may be appointed to specific terms as  
6 indicated in this Section.

7 Persons holding office as members of the Board under the  
8 Illinois Architecture Act immediately prior to the effective  
9 date of this Act shall continue as members of the Board under  
10 this Act until the expiration of the term for which they were  
11 appointed and until their successors are appointed and  
12 qualified.

13 A quorum of the Board shall consist of a majority of Board  
14 members currently appointed. A majority vote of the quorum is  
15 required for Board decisions.

16 The Secretary ~~Director~~ may remove any member of the Board  
17 for misconduct, incompetence, neglect of duty, or for reasons  
18 prescribed by law for removal of State officials.

19 The Secretary ~~Director~~ may remove a member of the Board who  
20 does not attend 2 consecutive meetings.

21 Notice of proposed rulemaking shall be transmitted to the  
22 Board and the Department shall review the response of the Board  
23 and any recommendations made therein. The Department may, at  
24 any time, seek the expert advice and knowledge of the Board on  
25 any matter relating to the administration or enforcement of  
26 this Act.

1 Members of the Board are immune from suit in any action  
2 based upon any disciplinary proceedings or other activities  
3 performed in good faith as members of the Board.

4 (Source: P.A. 91-133, eff. 1-1-00.)

5 (225 ILCS 305/10) (from Ch. 111, par. 1310)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 10. Powers and duties of the Board.

8 (a) The Board shall hold at least 3 regular meetings each  
9 year.

10 (b) The Board shall annually elect a Chairperson and a Vice  
11 Chairperson who shall be licensed architects.

12 (c) The Board, upon request by the Department, may make a  
13 curriculum evaluation to determine if courses conform to the  
14 requirements of approved architectural programs.

15 (d) The Board shall assist the Department in conducting  
16 oral interviews, disciplinary conferences and formal  
17 evidentiary hearings.

18 (e) The Department may, at any time, seek the expert advice  
19 and knowledge of the Board on any matter relating to the  
20 enforcement of this Act.

21 (f) The Board may appoint a subcommittee to serve as a  
22 Complaint Committee to recommend the disposition of case files  
23 according to procedures established by rule.

24 (g) The Board shall review applicant qualifications to sit  
25 for the examination or for licensure and shall make

1 recommendations to the Department. The Department shall review  
2 the Board's recommendations on applicant qualifications. The  
3 Secretary ~~Director~~ shall notify the Board in writing with an  
4 explanation of any deviation from the Board's recommendation on  
5 applicant qualifications. After review of the Secretary's  
6 ~~Director's~~ written explanation of his or her reasons for  
7 deviation, the Board shall have the opportunity to comment upon  
8 the Secretary's ~~Director's~~ decision.

9 (h) The Board shall submit written comments to the  
10 Secretary ~~Director~~ within 30 days from notification of any  
11 final decision or order from the Secretary ~~Director~~ that  
12 deviates from any report or recommendation of the Board  
13 relating to the qualifications of applicants, discipline of  
14 licensees or registrants, or promulgation of rules.

15 (Source: P.A. 91-133, eff. 1-1-00.)

16 (225 ILCS 305/12) (from Ch. 111, par. 1312)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 12. Examinations; subjects; failure or refusal to take  
19 examination. The Department shall authorize examination of  
20 applicants as architects at such times and places as it may  
21 determine. The examination shall be in English and shall be  
22 written or written and graphic. It shall include at a minimum  
23 the following subjects:

24 (a) pre-design (environmental analysis, architectural  
25 programming, and application of principles of project

1 management and coordination);

2 (b) site planning (site analysis, design and  
3 development, parking, and application of zoning  
4 requirements);

5 (c) building planning (conceptual planning of  
6 functional and space relationships, building design,  
7 interior space layout, barrier-free design, and the  
8 application of the life safety code requirements and  
9 principles of energy efficient design);

10 (d) building technology (application of structural  
11 systems, building components, and mechanical and  
12 electrical systems);

13 (e) general structures (identification, resolution,  
14 and incorporation of structural systems and the long span  
15 design on the technical aspects of the design of buildings  
16 and the process and construction);

17 (f) lateral forces (identification and resolution of  
18 the effects of lateral forces on the technical aspects of  
19 the design of buildings and the process of construction);

20 (g) mechanical and electrical systems (as applied to  
21 the design of buildings, including plumbing and acoustical  
22 systems);

23 (h) materials and methods (as related to the design of  
24 buildings and the technical aspects of construction); and

25 (i) construction documents and services (conduct of  
26 architectural practice as it relates to construction

1 documents, bidding, and construction administration and  
2 contractual documents from beginning to end of a building  
3 project).

4 It shall be the responsibility of the applicant to be  
5 familiar with this Act and its rules.

6 Examination subject matter headings and bases on which  
7 examinations are graded shall be indicated in rules pertaining  
8 to this Act. The Department may adopt the examinations and  
9 grading procedures of the National Council of Architectural  
10 Registration Boards. Content of any particular examination  
11 shall not be considered public record under the Freedom of  
12 Information Act.

13 If an applicant neglects without an approved excuse or  
14 refuses to take the next available examination offered for  
15 licensure under this Act, the fee paid by the applicant shall  
16 be forfeited. If an applicant fails to pass an examination for  
17 licensure under this Act within 3 years after filing an  
18 application, the application shall be denied. The applicant  
19 may, however, make a new application for examination  
20 accompanied by the required fee and must furnish proof of  
21 meeting the qualifications for examination in effect at the  
22 time of the new application.

23 The Department may by rule prescribe additional subjects  
24 for examination.

25 An applicant has one year from the date of notification of  
26 successful completion of all the examination requirements to

1 apply to the Department for a license. If an applicant fails to  
2 apply within one year, the applicant shall be required to again  
3 take and pass the examination unless the Department upon  
4 recommendation of the Board determine that there is sufficient  
5 cause for the delay that is not due to the fault or the  
6 applicant.

7 (Source: P.A. 91-133, eff. 1-1-00; 92-16, eff. 6-28-01.)

8 (225 ILCS 305/17.5 new)

9 Sec. 17.5. Architect; retired. Pursuant to Section 2105-15  
10 of the Department of Professional Regulation Law of the Civil  
11 Administration Code of Illinois, the Department may grant the  
12 title "Architect, Retired" to any person who has been duly  
13 licensed as an architect by the Department and who chooses to  
14 relinquish or not renew his or her license. Those persons  
15 granted the title "Architect, Retired" may request restoration  
16 to active status under the applicable provisions of this Act.

17 The use of the title "Architect, Retired" shall not  
18 constitute representation of current licensure. Any person  
19 without an active license shall not practice architecture as  
20 defined in this Act.

21 Nothing in this Section shall be construed to require the  
22 Department to issue any certificate, credential, or other  
23 official document indicating that a person has been granted the  
24 title "Architect, Retired".

1 (225 ILCS 305/19) (from Ch. 111, par. 1319)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 19. Fees.

4 (a) The Department shall provide by rule for a schedule of  
5 fees to be paid for licenses by all applicants. All fees are  
6 not refundable.

7 (b) The fees for the administration and enforcement of this  
8 Act, including but not limited to original licensure, renewal,  
9 and restoration, shall be set by rule by the Department.

10 All of the fees and fines collected pursuant to this  
11 Section shall be deposited in the Design Professionals  
12 Administration and Investigation Fund. Of the moneys deposited  
13 into the Design Professionals Administration and Investigation  
14 Fund, the Department may use such funds as necessary and  
15 available to produce and distribute newsletters to persons  
16 licensed under this Act.

17 Any person who delivers a check or other payment to the  
18 Department that is returned to the Department unpaid by the  
19 financial institution upon which it is drawn shall pay to the  
20 Department, in addition to the amount already owed to the  
21 Department, a fine of \$50. The fines imposed by this Section  
22 are in addition to any other discipline provided under this Act  
23 for unlicensed practice or practice on a nonrenewed license.  
24 The Department shall notify the person that payment of fees and  
25 fines shall be paid to the Department by certified check or  
26 money order within 30 calendar days of the notification. If,

1 after the expiration of 30 days from the date of the  
2 notification, the person has failed to submit the necessary  
3 remittance, the Department shall automatically terminate the  
4 license or certificate or deny the application, without  
5 hearing. If, after termination or denial, the person seeks a  
6 license or certificate, he or she shall apply to the Department  
7 for restoration or issuance of the license or certificate and  
8 pay all fees and fines due to the Department. The Department  
9 may establish a fee for the processing of an application for  
10 restoration of a license or certificate to pay all expenses of  
11 processing this application. The Secretary ~~Director~~ may waive  
12 the fines due under this Section in individual cases where the  
13 Secretary ~~Director~~ finds that the fines would be unreasonable  
14 or unnecessarily burdensome.

15 (Source: P.A. 91-133, eff. 1-1-00; 92-146, eff. 1-1-02.)

16 (225 ILCS 305/20) (from Ch. 111, par. 1320)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 20. Roster of licensees and registrants. A roster  
19 showing the names and addresses of all architects,  
20 architectural corporations and partnerships and professional  
21 design firms licensed or registered under this Act shall be  
22 prepared by the Department each year. This roster shall be  
23 organized by discipline and available by discipline upon  
24 ~~written~~ request and payment of the required fee.

25 (Source: P.A. 94-543, eff. 8-10-05.)

1 (225 ILCS 305/21) (from Ch. 111, par. 1321)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 21. Professional design firm registration;  
4 conditions.

5 (a) Nothing in this Act shall prohibit the formation, under  
6 the provisions of the Professional Service Corporation Act, of  
7 a corporation to offer the practice of architecture.

8 Any business, including a Professional Service  
9 Corporation, that includes the practice of architecture within  
10 its stated purposes, practices architecture, or holds itself  
11 out as available to practice architecture shall register with  
12 the Department under this Section. Any professional service  
13 corporation, sole proprietorship, or professional design firm  
14 offering architectural services must have a resident architect  
15 overseeing the architectural practices in each location in  
16 which architectural services are provided.

17 Any sole proprietorship not owned and operated by an  
18 Illinois licensed design professional licensed under this Act  
19 shall be prohibited from offering architectural services to the  
20 public. "Illinois licensed design professional" means a person  
21 who holds an active license as an architect under this Act, as  
22 a structural engineer under the Structural Engineering  
23 Practice Act of 1989, or as a professional engineer under the  
24 Professional Engineering Practice Act of 1989. Any sole  
25 proprietorship owned and operated by an architect with an

1 active license issued under this Act and conducting or  
2 transacting such business under an assumed name in accordance  
3 with the provisions of the Assumed Business Name Act shall  
4 comply with the registration requirements of a professional  
5 design firm. Any sole proprietorship owned and operated by an  
6 architect with an active license issued under this Act and  
7 conducting or transacting such business under the real name of  
8 the sole proprietor is exempt from the registration  
9 requirements of a professional design firm.

10 (b) Any corporation, including a Professional Service  
11 Corporation, partnership, limited liability company, or  
12 professional design firm seeking to be registered under this  
13 Section shall not be registered unless:

14 (1) two-thirds of the board of directors, in the case  
15 of a corporation, or two-thirds of the general partners, in  
16 the case of a partnership, or two-thirds of the members, in  
17 the case of a limited liability company, are licensed under  
18 the laws of any State to practice architecture,  
19 professional engineering, land surveying, or structural  
20 engineering; and

21 (2) the person having the architectural practice in  
22 this State in his charge is (A) a director in the case of a  
23 corporation, a general partner in the case of a  
24 partnership, or a member in the case of a limited liability  
25 company, and (B) holds a license under this Act.

26 Any corporation, limited liability company, professional

1 service corporation, or partnership qualifying under this  
2 Section and practicing in this State shall file with the  
3 Department any information concerning its officers, directors,  
4 members, managers, partners or beneficial owners as the  
5 Department may, by rule, require.

6 (c) No business shall offer the practice or hold itself out  
7 as available to offer the practice of architecture until it is  
8 registered with the Department.

9 (d) Any business seeking to be registered under this  
10 Section shall make application on a form provided by the  
11 Department and shall provide any information requested by the  
12 Department, which shall include but shall not be limited to all  
13 of the following:

14 (1) The name and architect's license number of at least  
15 one person designated as the managing agent in responsible  
16 charge of the practice of architecture in Illinois. In the  
17 case of a corporation, the corporation shall also submit a  
18 certified copy of the resolution by the board of directors  
19 designating at least one managing agent. If a limited  
20 liability company, the company shall submit a certified  
21 copy of either its articles of organization or operating  
22 agreement designating the managing agent.

23 (2) The names and architect's, professional  
24 engineer's, structural engineer's, or land surveyor's  
25 license numbers of the directors, in the case of a  
26 corporation, the members, in the case of a limited

1 liability company, or general partners, in the case of a  
2 partnership.

3 (3) A list of all locations at which the professional  
4 design firm provides architectural services.

5 (4) A list of all assumed names of the business.  
6 Nothing in this Section shall be construed to exempt a  
7 business from compliance with the requirements of the  
8 Assumed Business Name Act.

9 It is the responsibility of the professional design firm to  
10 provide the Department notice, in writing, of any changes in  
11 the information requested on the application.

12 (e) In the event a managing agent is terminated or  
13 terminates his or her status as managing agent of the  
14 professional design firm, the managing agent and professional  
15 design firm shall notify the Department of this fact in  
16 writing, by certified mail, within 10 business days of  
17 termination.

18 Thereafter, the professional design firm, if it has so  
19 informed the Department, has 30 days in which to notify the  
20 Department of the name and architect's license number of the  
21 architect who is the newly designated managing agent. If a  
22 corporation, the corporation shall also submit a certified copy  
23 of a resolution by the board of directors designating the new  
24 managing agent. If a limited liability company, the company  
25 shall also submit a certified copy of either its articles of  
26 organization or operating agreement designating the new

1 managing agent. The Department may, upon good cause shown,  
2 extend the original 30 day period.

3 If the professional design firm has not notified the  
4 Department in writing, by certified mail within the specified  
5 time, the registration shall be terminated without prior  
6 hearing. Notification of termination shall be sent by certified  
7 mail to the ~~last known~~ address of record ~~the business~~. If the  
8 professional design firm continues to operate and offer  
9 architectural services after the termination, the Department  
10 may seek prosecution under Sections 22, 36, and 36a of this Act  
11 for the unlicensed practice of architecture.

12 (f) No professional design firm shall be relieved of  
13 responsibility for the conduct or acts of its agents,  
14 employees, or officers by reason of its compliance with this  
15 Section, nor shall any individual practicing architecture be  
16 relieved of the responsibility for professional services  
17 performed by reason of the individual's employment or  
18 relationship with a professional design firm registered under  
19 this Section.

20 (g) Disciplinary action against a professional design firm  
21 registered under this Section shall be administered in the same  
22 manner and on the same grounds as disciplinary action against a  
23 licensed architect. All disciplinary action taken or pending  
24 against a corporation or partnership before the effective date  
25 of this amendatory Act of 1993 shall be continued or remain in  
26 effect without the Department filing separate actions.

1 (Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00.)

2 (225 ILCS 305/22) (from Ch. 111, par. 1322)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 22. Refusal, suspension and revocation of licenses;  
5 Causes.

6 (a) The Department may refuse to issue or renew, or may  
7 revoke, suspend, place on probation, reprimand, or take other  
8 disciplinary action as the Department may deem appropriate,  
9 including imposing fines not to exceed \$10,000 for each  
10 violation with regard to any license for one or any  
11 combination, singularly or in combination, refuse to issue,  
12 renew or restore, or may suspend or revoke any license or  
13 registration, or may place on probation, reprimand, or fine,  
14 with a civil penalty not to exceed \$10,000 for each violation,  
15 any person, corporation, or partnership, or professional  
16 design firm licensed or registered under this Act for any of  
17 the following reasons:

18 (1) material misstatement in furnishing information to  
19 the Department;

20 (2) negligence, incompetence or misconduct in the  
21 practice of architecture;

22 (3) failure to comply with any of the provisions of  
23 this Act or any of the rules;

24 (4) making any misrepresentation for the purpose of  
25 obtaining licensure;

1 (5) purposefully making false statements or signing  
2 false statements, certificates or affidavits to induce  
3 payment;

4 (6) gross malpractice ~~conviction of any crime under the~~  
5 ~~laws of the United States, or any state or territory~~  
6 ~~thereof, which is a felony, whether related to the practice~~  
7 ~~of architecture or not; or conviction of any crime, whether~~  
8 ~~a felony, misdemeanor, or otherwise, an essential element~~  
9 ~~of which is dishonesty, wanton disregard for the rights of~~  
10 ~~others, or which is directly related to the practice of~~  
11 ~~architecture;~~

12 (7) aiding or assisting another person in violating any  
13 provision of this Act or its rules;

14 (8) signing, affixing the licensed architect's seal or  
15 permitting the architect's seal to be affixed to any  
16 construction documents not prepared by the architect or  
17 under that architect's direct supervision and control;

18 (9) engaging in dishonorable, unethical or  
19 unprofessional conduct of a character likely to deceive,  
20 defraud or harm the public;

21 (10) inability to practice with reasonable judgment,  
22 skill, or safety as a result of habitual or excessive use  
23 or addiction to alcohol, narcotics, stimulants or any other  
24 chemical agent or drug ~~habitual intoxication or addiction~~  
25 ~~to the use of drugs;~~

26 (11) making a statement of compliance pursuant to the

1 Environmental Barriers Act that construction documents  
2 prepared by the Licensed Architect or prepared under the  
3 licensed architect's direct supervision and control for  
4 construction or alteration of an occupancy required to be  
5 in compliance with the Environmental Barriers Act are in  
6 compliance with the Environmental Barriers Act when such  
7 construction documents are not in compliance;

8 (12) a finding by the Department ~~Board~~ that an  
9 applicant or registrant has failed to pay a fine imposed by  
10 the Department or a registrant, whose license has been  
11 placed on probationary status, has violated the terms of  
12 probation;

13 (13) discipline by another state, territory, foreign  
14 country, the District of Columbia, the United States  
15 government, or any other governmental agency, if at least  
16 one of the grounds for discipline is the same or  
17 substantially equivalent to those set forth herein;

18 (14) failure to provide information in response to a  
19 written request made by the Department within 30 days after  
20 the receipt of such written request;

21 (15) inability to practice the profession with  
22 reasonable judgment, skill, or safety as a result of a  
23 physical illness, including, but not limited to,  
24 deterioration through the aging process or loss of motor  
25 skill, or a mental illness or disability; or ~~physical~~  
26 illness, including, but not limited to, deterioration

1 ~~through the aging process or loss of motor skill which~~  
2 ~~results in the inability to practice the profession with~~  
3 ~~reasonable judgment, skill or safety.~~

4 (16) failure to file a return, to pay the tax, penalty,  
5 or interest shown in a filed return, or to pay any final  
6 assessment of tax, penalty, or interest as required by any  
7 tax Act administered by the Department of Revenue, until  
8 such time as the requirements of the tax Act are satisfied  
9 in accordance with subsection (g) of Section 15 of the  
10 Department of Professional Regulation Law of the Civil  
11 Administrative Code of Illinois.

12 (a-5) In enforcing this Section, the Department or Board,  
13 upon a showing of a possible violation, may order a licensee or  
14 applicant to submit to a mental or physical examination, or  
15 both, at the expense of the Department. The Department or Board  
16 may order the examining physician to present testimony  
17 concerning his or her examination of the licensee or applicant.  
18 No information shall be excluded by reason of any common law or  
19 statutory privilege relating to communications between the  
20 licensee or applicant and the examining physician. The  
21 examining physicians shall be specifically designated by the  
22 Board or Department. The licensee or applicant may have, at his  
23 or her own expense, another physician of his or her choice  
24 present during all aspects of the examination. Failure of a  
25 licensee or applicant to submit to any such examination when  
26 directed, without reasonable cause as defined by rule, shall be

1 grounds for either the immediate suspension of his or her  
2 license or immediate denial of his or her application.

3 If the Secretary immediately suspends the license of a  
4 licensee for his or her failure to submit to a mental or  
5 physical examination when directed, a hearing must be convened  
6 by the Department within 15 days after the suspension and  
7 completed without appreciable delay.

8 If the Secretary otherwise suspends a license pursuant to  
9 the results of the licensee's mental or physical examination, a  
10 hearing must be convened by the Department within 15 days after  
11 the suspension and completed without appreciable delay. The  
12 Department and Board shall have the authority to review the  
13 licensee's record of treatment and counseling regarding the  
14 relevant impairment or impairments to the extent permitted by  
15 applicable federal statutes and regulations safeguarding the  
16 confidentiality of medical records.

17 Any licensee suspended under this subsection (a-5) shall be  
18 afforded an opportunity to demonstrate to the Department or  
19 Board that he or she can resume practice in compliance with the  
20 acceptable and prevailing standards under the provisions of his  
21 or her license.

22 ~~In enforcing this Section, the Board upon a showing of a~~  
23 ~~possible violation may request that the Department compel a~~  
24 ~~person licensed to practice under this Act, or who has applied~~  
25 ~~for licensure or certification pursuant to this Act, to submit~~  
26 ~~to a mental or physical examination, or both, as required by~~

1 ~~and at the expense of the Department. The examining physicians~~  
2 ~~shall be those specifically designated by the Department. The~~  
3 ~~Department may order the examining physician to present~~  
4 ~~testimony concerning this mental or physical examination of the~~  
5 ~~licensee or applicant. No information shall be excluded by~~  
6 ~~reason of any common law or statutory privilege relating to~~  
7 ~~communications between the licensee or applicant and the~~  
8 ~~examining physician. The person to be examined may have, at his~~  
9 ~~or her own expense, another physician of his or her choice~~  
10 ~~present during all aspects of the examination. Failure of any~~  
11 ~~person to submit to a mental or physical examination, when~~  
12 ~~directed, shall be grounds for suspension of a license until~~  
13 ~~the person submits to the examination if the Department finds,~~  
14 ~~after notice and hearing, that the refusal to submit to the~~  
15 ~~examination was without reasonable cause.~~

16       If the Board finds a person unable to practice because of  
17 the reasons set forth in this Section, the Board may recommend  
18 that the Department require that person to submit to care,  
19 counseling, or treatment by physicians approved or designated  
20 by the Department as a condition, term, or restriction for  
21 continued, reinstated, or renewed licensure to practice; or, in  
22 lieu of care, counseling, or treatment, the Board may recommend  
23 to the Department to file a complaint to immediately suspend,  
24 revoke or otherwise discipline the license of the person. Any  
25 person whose license was granted, continued, reinstated,  
26 renewed, disciplined, or supervised subject to such terms,

1 conditions, or restrictions and who fails to comply with such  
2 terms, conditions, or restrictions shall be referred to the  
3 Director for a determination as to whether the person shall  
4 have his or her license suspended immediately, pending a  
5 hearing by the Board.

6 (b) The determination by a circuit court that a licensee is  
7 subject to involuntary admission or judicial admission, as  
8 provided in the Mental Health and Developmental Disabilities  
9 Code, operates as an automatic suspension. Such suspension will  
10 end only upon a finding by a court that the patient is no  
11 longer subject to involuntary admission or judicial admission,  
12 the issuance of an order so finding and discharging the  
13 patient, and the recommendation of the Board to the Secretary  
14 ~~Director~~ that the licensee be allowed to resume practice.

15 (c) The Department shall deny a license or renewal  
16 authorized by this Act to a person who has defaulted on an  
17 educational loan or scholarship provided or guaranteed by the  
18 Illinois Student Assistance Commission or any governmental  
19 agency of this State in accordance with item (5) of subsection  
20 (a) of Section 15 of the Department of Professional Regulation  
21 Law of the Civil Administrative Code of Illinois. In cases  
22 where the Department of Healthcare and Family Services has  
23 previously determined that a licensee or a potential licensee  
24 is more than 30 days delinquent in the payment of child support  
25 and has subsequently certified the delinquency to the  
26 Department, the Department may refuse to issue or renew or may

1 revoke or suspend that person's license or may take other  
2 disciplinary action against that person based solely upon the  
3 certification of delinquency made by the Department of  
4 Healthcare and Family Services in accordance with item (5) of  
5 subsection (a) of Section 15 of the Department of Professional  
6 Regulation Law of the Civil Administrative Code of Illinois.

7 (d) In cases where the Department of Healthcare and Family  
8 Services has previously determined that a licensee or a  
9 potential licensee is more than 30 days delinquent in the  
10 payment of child support and has subsequently certified the  
11 delinquency to the Department may refuse to issue or renew or  
12 may revoke or suspend that person's license or may take other  
13 disciplinary action against that person based solely upon the  
14 certification of delinquency made by the Department of  
15 Healthcare and Family Services in accordance with item (5) of  
16 subsection (a) of Section 2105-15 of the Department of  
17 Professional Regulation Law of the Civil Administrative Code of  
18 Illinois. ~~The Department may refuse to issue or may suspend the~~  
19 ~~license of any person who fails to file a return, or to pay the~~  
20 ~~tax, penalty or interest shown in a filed return, or to pay any~~  
21 ~~final assessment of tax, penalty or interest, as required by~~  
22 ~~any tax Act administered by the Illinois Department of Revenue,~~  
23 ~~until such time as the requirements of any such tax Act are~~  
24 ~~satisfied.~~

25 (e) Persons who assist the Department as consultants or  
26 expert witnesses in the investigation or prosecution of alleged

1 violations of the Act, licensure matters, restoration  
2 proceedings, or criminal prosecutions, shall not be liable for  
3 damages in any civil action or proceeding as a result of such  
4 assistance, except upon proof of actual malice. The attorney  
5 general shall defend such persons in any such action or  
6 proceeding.

7 (Source: P.A. 94-543, eff. 8-10-05.)

8 (225 ILCS 305/23) (from Ch. 111, par. 1323)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 23. Violations; Injunction; Cease and desist order.

11 (a) If any person or entity violates a provision of this  
12 Act, the Secretary ~~Director~~ may, in the name of the People of  
13 the State of Illinois, through the Attorney General of the  
14 State of Illinois, petition for an order enjoining such  
15 violation or for an order enforcing compliance with this Act.  
16 Upon the filing of a verified petition in such court, the court  
17 may issue a temporary restraining order, without notice or  
18 bond, and may preliminarily and permanently enjoin such  
19 violation. If it is established that such person or entity has  
20 violated or is violating the injunction, the Court may punish  
21 the offender for contempt of court. Proceedings under this  
22 Section are in addition to, and not in lieu of, all other  
23 remedies and penalties provided by this Act.

24 (b) If any person or entity practices as an architect or  
25 holds himself out as an architect or professional design firm

1 without being licensed or registered under the provisions of  
2 this Act, then any licensed architect, any interested party or  
3 any person injured thereby may, in addition to the Secretary  
4 ~~Director~~, petition for relief as provided in subsection (a) of  
5 this Section.

6 (c) Whenever in the opinion of the Department any person or  
7 entity violates any provision of this Act, the Department may  
8 issue a rule to show cause why an order to cease and desist  
9 should not be entered against him. The rule shall clearly set  
10 forth the grounds relied upon by the Department and shall  
11 provide a period of 7 days from the date of the rule to file an  
12 answer to the satisfaction of the Department. Failure to answer  
13 to the satisfaction of the Department shall cause an order to  
14 cease and desist to be issued immediately.

15 (Source: P.A. 88-428.)

16 (225 ILCS 305/23.5)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 23.5. Unlicensed practice; violation; civil penalty.

19 (a) Any person who practices, offers to practice, attempts  
20 to practice, or holds oneself out to practice as an architect  
21 without being licensed under this Act shall, in addition to any  
22 other penalty provided by law, pay a civil penalty to the  
23 Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each  
24 offense as determined by the Department. The civil penalty  
25 shall be assessed by the Department after a hearing is held in

1 accordance with the provisions set forth in this Act regarding  
2 the provision of a hearing for the discipline of a licensee.

3 (a-5) Any entity that advertises architecture services in a  
4 telecommunications directory must include its architecture  
5 firm registration number or, in the case of a sole proprietor,  
6 his or her individual license number. Nothing in this  
7 subsection (a-5) requires the publisher of a  
8 telecommunications directory to investigate or verify the  
9 accuracy of the registration or license number provided by the  
10 advertiser of architecture services.

11 (b) The Department has the authority and power to  
12 investigate any and all unlicensed activity.

13 (c) The civil penalty shall be paid within 60 days after  
14 the effective date of the order imposing the civil penalty. The  
15 order shall constitute a judgment and may be filed and  
16 execution had thereon in the same manner as any judgment from  
17 any court of record.

18 (Source: P.A. 94-543, eff. 8-10-05.)

19 (225 ILCS 305/24) (from Ch. 111, par. 1324)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 24. Investigations; notice and hearing. The  
22 Department may investigate the actions of any applicant or of  
23 any person or entity holding or claiming to hold a license or  
24 registration. Before the initiation of an investigation, the  
25 matter shall be reviewed by a subcommittee of the Board

1 according to procedures established by rule for the Complaint  
2 Committee. The Department shall, before refusing to restore,  
3 issue or renew a license or registration, or discipline a  
4 licensee or registrant, at least 30 days prior to the date set  
5 for the hearing, notify in writing the applicant for, or holder  
6 of, a license or registrant of the nature of the charges and  
7 that a hearing will be held on the date designated, and direct  
8 the applicant or entity or licensee or registrant to file a  
9 written answer to the Board under oath within 20 days after the  
10 service of the notice and inform the applicant or entity or  
11 licensee or registrant that failure to file an answer will  
12 result in default being taken against the applicant or entity  
13 or licensee or registrant and that the license or certificate  
14 may be suspended, revoked, placed on probationary status, or  
15 other disciplinary action may be taken, including limiting the  
16 scope, nature or extent of practice, as the Secretary ~~Director~~  
17 may deem proper. Written notice may be served by personal  
18 delivery or certified or registered mail to the respondent at  
19 the address of record with ~~his last notification to~~ the  
20 Department. In case the person or entity fails to file an  
21 answer after receiving notice, his or her license or  
22 certificate may, in the discretion of the Department, be  
23 suspended, revoked, or placed on probationary status, or the  
24 Department may take whatever disciplinary action deemed  
25 proper, including limiting the scope, nature, or extent of the  
26 person's practice or the imposition of a fine, without a

1 hearing, if the act or acts charged constitute sufficient  
2 grounds for such action under this Act. At the time and place  
3 fixed in the notice, the Board shall proceed to hear the  
4 charges and the parties or their counsel shall be accorded  
5 ample opportunity to present such statements, testimony,  
6 evidence and argument as may be pertinent to the charges or to  
7 their defense. The Board may continue the hearing from time to  
8 time.

9 (Source: P.A. 87-1031; 88-428.)

10 (225 ILCS 305/25) (from Ch. 111, par. 1325)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 25. Stenographer; transcript. The Department, at its  
13 expense, shall preserve a record of all proceedings at the  
14 formal hearing of any case involving the refusal to restore,  
15 issue or renew a license, or the discipline of a licensee. The  
16 notice of hearing, complaint and all other documents in the  
17 nature of pleadings and written motions filed in the  
18 proceedings, the transcript of testimony, the report of the  
19 Board and the orders of the Department shall be the record of  
20 the proceedings. ~~The Department shall furnish a transcript of  
21 the record to any person interested in the hearing upon payment  
22 of the fee required by Section 2105-115 of the Department of  
23 Professional Regulation Law (20 ILCS 2105/2105-115).~~

24 (Source: P.A. 91-239, eff. 1-1-00.)

1 (225 ILCS 305/26) (from Ch. 111, par. 1326)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 26. Subpoenas; depositions; oaths of witnesses;  
4 ~~Oaths.~~ The Department has power to subpoena documents, books,  
5 records or other materials and to bring before it any person  
6 and to take testimony either orally or by deposition, or both,  
7 with the same fees and mileage and in the same manner as is  
8 prescribed in civil cases in the courts of this State.

9 The Secretary, the designated hearing officer, and every  
10 member of the Board has the power to administer oaths to  
11 witnesses at any hearing that the Department is authorized to  
12 conduct, and any other oaths authorized in any Act administered  
13 by the Department. ~~and bring before it any person in this State~~  
14 ~~and to take testimony either orally or by deposition, or both,~~  
15 ~~with the same fees and mileage and in the same manner as~~  
16 ~~prescribed by law in judicial proceedings in civil cases in~~  
17 ~~circuit courts of this State.~~

18 ~~The Director, and every member of the Board each have power~~  
19 ~~to administer oaths to witnesses at any hearing which the~~  
20 ~~Department is authorized by law to conduct, and any other oaths~~  
21 ~~required or authorized in any Act administered by the~~  
22 ~~Department.~~

23 (Source: P.A. 86-702.)

24 (225 ILCS 305/28) (from Ch. 111, par. 1328)

25 (Section scheduled to be repealed on January 1, 2010)

1           Sec. 28. Report of Board; Rehearing. After the hearing, the  
2 Board shall present to the Secretary ~~Director~~ its written  
3 report of its findings and recommendations. A copy of such  
4 report shall be served upon the accused person, either  
5 personally or by registered or certified mail as provided in  
6 this Act for the service of the notice. Within 20 days after  
7 such service, the accused person may present to the Department  
8 his motion in writing for a rehearing which shall specify the  
9 particular grounds for rehearing. If the accused person orders  
10 and pays for a transcript of the record as provided in this  
11 Section, the time elapsing before such transcript is ready for  
12 delivery to him shall not be counted as part of such 20 days.

13           Whenever the Secretary ~~Director~~ is not satisfied that  
14 substantial justice has been done, he may order a rehearing by  
15 the same or another special board. At the expiration of the  
16 time specified for filing a motion for a rehearing the  
17 Secretary ~~Director~~ has the right to take the action recommended  
18 by the Board.

19           (Source: P.A. 86-702.)

20           (225 ILCS 305/29) (from Ch. 111, par. 1329)

21           (Section scheduled to be repealed on January 1, 2010)

22           Sec. 29. Hearing officer. Notwithstanding the provisions  
23 of Section 28 of this Act, the Secretary ~~Director~~ has the  
24 authority to appoint any attorney duly licensed to practice law  
25 in the State of Illinois to serve as the hearing officer in any

1 action under Section 24. The Secretary ~~Director~~ shall notify  
2 the Board of any such appointment. The hearing officer has full  
3 authority to conduct the hearing. The Board has the right to  
4 have at least one member present at any hearing conducted by  
5 such hearing officer. The hearing officer shall report his  
6 findings of fact, conclusions of law and recommendations to the  
7 Board and the Secretary ~~Director~~. The Board has 60 days from  
8 receipt of the report to review the report of the hearing  
9 officer and present its findings of fact, conclusions of law  
10 and recommendations to the Secretary ~~Director~~. If the Board  
11 fails to present its report within the 60 day period, the  
12 Secretary ~~Director~~ shall issue an order based on the report of  
13 the hearing officer. If the Secretary ~~Director~~ disagrees in any  
14 regard with the report of the Board or hearing officer, he may  
15 issue an order in contravention thereof. The Secretary ~~Director~~  
16 shall notify ~~provide a written explanation to~~ the Board on any  
17 such deviation, and shall specify with particularity the  
18 reasons for such action in the final order.

19 (Source: P.A. 86-702.)

20 (225 ILCS 305/30) (from Ch. 111, par. 1330)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 30. Order to be prima facie proof. An order of  
23 revocation or suspension or a certified copy thereof, over the  
24 seal of the Department and purporting to be signed by the  
25 Secretary ~~Director~~, shall be prima facie proof that:

1 (a) the signature is the genuine signature of the  
2 Secretary Director;

3 (b) the Secretary Director is duly appointed and  
4 qualified; and

5 (c) the Board and the members thereof are qualified to  
6 act.

7 Such proof may be rebutted.

8 (Source: P.A. 91-357, eff. 7-29-99.)

9 (225 ILCS 305/31) (from Ch. 111, par. 1331)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 31. Restoration of suspended or revoked ~~issuance or~~  
12 ~~restoration of~~ license. At any time after the successful  
13 completion of a term of suspension or revocation of a license,  
14 the Department may restore it to the licensee, upon the written  
15 recommendation of the Board, unless after an investigation and  
16 a hearing the Board determines that restoration is not in the  
17 public interest. ~~the refusal to issue, or after the suspension~~  
18 ~~or revocation of any license, the Department may issue or~~  
19 ~~restore it to the applicant without examination, upon the~~  
20 ~~written recommendation of the Board.~~

21 (Source: P.A. 86-702.)

22 (225 ILCS 305/33) (from Ch. 111, par. 1333)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 33. Temporary suspension of a license. The Secretary

1 ~~Director~~ may temporarily suspend the license of an architect  
2 without a hearing, simultaneously with the institution of  
3 proceedings for a hearing provided for in Section 24 of this  
4 Act, if the Secretary ~~Director~~ finds that evidence in his  
5 possession indicates that an architect's continuation in  
6 practice would constitute an imminent danger to the public. In  
7 the event that the Secretary ~~Director~~ temporarily suspends the  
8 license of an architect without a hearing, a hearing by the  
9 Board must be held within 30 days after such suspension has  
10 occurred.

11 (Source: P.A. 86-702.)

12 (225 ILCS 305/36) (from Ch. 111, par. 1336)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 36. Violations. Each of the following Acts constitutes  
15 a Class A misdemeanor for the first offense and a Class 4  
16 felony for a second or subsequent offense:

17 (a) the practice, attempt to practice or offer to  
18 practice architecture, or the advertising or putting out of  
19 any sign or card or other device which might indicate to  
20 the public that the person is entitled to practice  
21 architecture, without a license as a licensed architect, or  
22 registration as a professional design firm issued by the  
23 Department. Each day of practicing architecture or  
24 attempting to practice architecture, and each instance of  
25 offering to practice architecture, without a license as a

1 licensed architect or registration as a professional  
2 design firm constitutes a separate offense;

3 (b) the making of any wilfully false oath or  
4 affirmation in any matter or proceeding where an oath or  
5 affirmation is required by this Act;

6 (c) the affixing of a licensed architect's seal to any  
7 construction documents which have not been prepared by that  
8 architect or under the architect's direct supervision and  
9 control;

10 (d) the violation of any provision of this Act or its  
11 rules;

12 (e) using or attempting to use an expired, inactive,  
13 suspended, or revoked license, or the certificate or seal  
14 of another, or impersonating another licensee;

15 (f) obtaining or attempting to obtain a license or  
16 registration by fraud; or

17 (g) If any person, sole proprietorship, professional  
18 service corporation, limited liability company,  
19 corporation or partnership, or other entity practices  
20 architecture or advertises or displays any sign or card or  
21 other device that might indicate to the public that the  
22 person or entity is entitled to practice as an architect or  
23 use the title "architect" or any of its derivations unless  
24 the person or other entity holds an active license as an  
25 architect or registration as a professional design firm in  
26 the State; then, in addition to any other penalty provided

1 by law any person or other entity who violates this  
2 subsection (g) shall forfeit and pay to the Design  
3 Professionals Administration and Investigation Fund a  
4 civil penalty in an amount determined by the Department of  
5 not more than \$10,000 ~~\$5,000~~ for each offense.

6 An unlicensed person who has completed the education  
7 requirements, is actively participating in the diversified  
8 professional training, and maintains in good standing a  
9 training record as required for licensure by this Act may use  
10 the title "architectural intern", but may not engage in the  
11 practice of architecture.

12 (Source: P.A. 93-1009, eff. 1-1-05.)

13 (225 ILCS 305/15 rep.)

14 Section 10. The Illinois Architecture Practice Act of 1989  
15 is amended by repealing Section 15.

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.

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7	225 ILCS 305/9	from Ch. 111, par. 1309
8	225 ILCS 305/10	from Ch. 111, par. 1310
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20	225 ILCS 305/28	from Ch. 111, par. 1328
21	225 ILCS 305/29	from Ch. 111, par. 1329
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1 225 ILCS 305/15 rep.